

Certificate of Mailing or Transmission

I, the undersigned, hereby certify that this correspondence along with other possible documents has been deposited with the U.S. Postal Service by express mail, postage pre-paid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and having express mail number _____, or facsimile transmitted to the U.S. Patent and Trademark Office or electronically transmitted to the USPTO through its own EFS filing system on March 2, 2009.

Typed Name: Kevin D. McCarthy
Date: March 2, 2009

Patent 0-05-165/16015/US/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Fishler
Serial no.: 10/552,377
371(c) Filing date: August 15, 2006
IA Filing date: April 8, 2004
Title: SOLID BIOCIDAL FORMULATIONS
Examiner: Manu M. Manohar
Art Unit: 4161
Confirmation: 9287

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Response and Amendment

This response is in reply to the office action mailed on February 3, 2009.

The Examiner identified two separate inventions and requests that we elect one invention.

Invention I: claims 1-6 and 8-20 drawn to biocidal composition;

Invention II: claims 21-23 relate to a method of treating different bodies of water for sanitation with the biocidal composition.

Applicant elects Invention I relating to biocidal composition with traverse.

The Examiner cites US 5,478,482 which teaches the treatment of water with agents like isocyanuric acid derivatives, hypochlorites, halogenated hydantoins and borates. Thus, the Examiner alleges that the claims of Invention I and Invention II lack common inventive concept. As we have already noted in our previous response to the Office Action mailed on August 19, 2008, said patent is mentioned on page 2, last

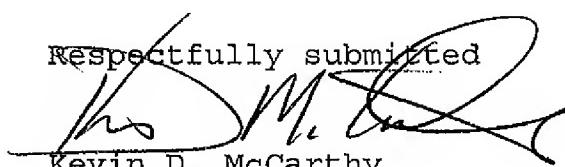
paragraph, and page 3, last paragraph, of the present specification to exemplify the prior-art biocidal compositions containing relatively low concentrations of an oxidant. The present invention relates to the biocidal compositions containing more than 80% of the oxidant. Thus, the single general inventive concept linking both inventions is the sanitation of bodies of water by the method of claims 21-22 applying the biocidal compositions of claims 1-6 and 8-20 having more than 80% of the oxidant.

Additionally, please note that claim 23 directs at method for rendering said compositions less combustible, the problem which originates from the fact that the claimed biocide compositions have high concentrations of the oxidant, as mentioned above.

For at least these reasons, Applicant respectfully requests the examiner reconsider this restriction requirement.

The Applicants, therefore, respectfully submit that following the amendments of the claims, and in view of the above explanations, including a working example, all the pending claims should now be held allowable.

Respectfully submitted



Kevin D. McCarthy

Reg. No. 35,278

Roach, Brown, McCarthy & Gruber, P.C.
1920 Liberty Building - 424 Main Street
Buffalo, New York 14202